

REMARKS

The Office Action dated February 21, 2006, has been received and carefully considered. Reconsideration of the outstanding objections/rejections in the present application is also respectfully requested based on the following remarks.

I. THE OBJECTION TO DRAWINGS

On page 3 of the Office Action, the drawings were objected to under 37 CFR § 1.121(d) because all blocks of Figure 1 have to be labeled and Figures 4-7 are not readable.

Applicant respectfully submits that the replacement drawings that were submitted with the last office action response were submitted in error. Formal drawings were originally submitted in this case over five (5) years ago on March 21, 2001. The formal drawings should be considered in prosecuting the above-referenced application. Applicant respectfully submits that formal Figure 1 has been properly labeled for ready identification, formal Figure 2 is complete, formal Figure 3 does end with a question mark, and formal Figures 4-7 are readable.

In view of the foregoing, it is respectfully requested that the aforementioned objection to drawings be withdrawn.

II. THE OBVIOUSNESS REJECTION OF CLAIMS 1-34

On page 4 of the Office Action, claims 1-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) at pages 1-2 of record in view of Loofbourrow et al. (U.S. Patent No. 6,505,183). This rejection is hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify

the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In response to Applicant's arguments set forth in its response to the Office Action of August 26, 2005, the Examiner alleges that each of the limitations of claim 1 "has to be present" for the respective functions to be performed. For example, regarding the claim recitation "providing one or more instructions for receiving the representative appointment information," the Examiner alleges that this "has to be present for the computer aided method of AAPA to receive representative appointment information." Other recitations of claim 1 are rejected based on a similar rationale. Applicant respectfully submits that the Examiner appears to be arguing that each of the claimed recitations are inherent in AAPA.

However, "[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

Applicant respectfully submits that the Examiner does not set forth any basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. In particular, the

Examiner offers conclusory assertions to the effect that select “instructions” of claim 1 “have to be present” without offering any basis in fact and/or technical reasoning why such “instructions” necessarily flow from the teachings of AAPA. For example, the Examiner has not offered any basis in fact or technical reasoning that reasonably supports the assertion that the provision of instructions necessarily flows from the teachings of the AAPA. Applicant respectfully submits that without such a showing, the pending obviousness rejection of the independent claims cannot be maintained.

Further, Applicant respectfully submits that Loofbourrow does not make up for AAPA’s failure to disclose the above recitations of the claimed systems and methods. Moreover, Applicant respectfully submits that the alleged motivation would not lead one of ordinary skill in the art to combine AAPA and Loofbourrow to achieve the claimed systems and methods. In particular, neither AAPA nor Loofbourrow -- alone or in combination -- teaches or suggests a need for the features offered by other. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the teachings of AAPA and Loofbourrow to achieve the claimed systems and methods. Accordingly, Applicant respectfully submits that independent claims 1, 12 and 23 are allowable over the cited references.

Claims 2-11, 13-22 and 24-33 are dependent upon independent claim 1, 12 or 23. Thus, since independent claim 1, 12 and 23 should be allowable as discussed above, claims 2-11, 13-22 and 24-33 should also be allowable at least by virtue of their dependency on independent claim 1, 12 or 23. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claim 34 recites wherein the one or more instructions for : (1) receiving the representative appointment information, (2) analyzing and sorting the received representative appointment

information, and (3) saving the received representative appointment information are provided by a user to an application server having a processor module. Applicant respectfully submits that none of the cited references teach or suggest any feature or functionality wherein the one or more instructions for : (1) receiving the representative appointment information, (2) analyzing and sorting the received representative appointment information, and (3) saving the received representative appointment information are provided by a user to an application server having a processor module.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-34 be withdrawn.

II. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

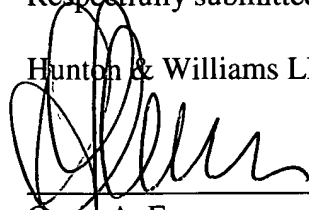
To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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